

Update on EPA Benton Harbor Activities 10/19/21

EPA is responding to water issues in Benton Harbor with actions aimed at both short term and longer-term needs. This update outlines activities by EPA and Michigan to address public health concerns in Benton Harbor.

Short Term Needs: Delivery of Bottled Water

1. **Michigan began delivering bottled water on 10/1.** On October 14, Governor Whitmer issued an [HYPERLINK "https://www.michigan.gov/whitmer/0,9309,7-387-90499_90640-570500--,00.html"] to coordinate necessary state resources to deliver safe water to Benton Harbor. That order includes a statement that drinking water will be delivered until further notice. Region 5 staff are participating in Michigan's daily Incident Command Structure (ICS) meetings. Michigan has created a [HYPERLINK "<https://www.michigan.gov/mileadsafe/0,9490,7-392--569823--,00.html>"] to provide information to Benton Harbor residents about water delivery. Michigan informs us that it is making phone calls and conducting other outreach to ensure people who cannot pick up water themselves can have water delivered.
2. **EPA is providing oversight of the water distribution process.** On October 19, Acting Region 5 RA Cheryl Newton sent a letter to Liesl Clark, Director of Michigan Department of Environment, Great Lakes and Energy (EGLE) and Elizabeth Hertel, Director of Michigan Department of Health and Human Services (DHHS). The letter seeks written confirmation of the state's water distribution plan. The letter is a key step for EPA to document and assess Michigan's water distribution plans. OECA, ECAD, and OW all provided input to the letter. The letter states that "if problems arise, we will not hesitate to exercise our its independent authorities to ensure that the residents of Benton Harbor are provided safe drinking water. A copy is attached.
3. **EPA is working to ensure Michigan's distribution plans include ensuring that schools, childcare providers, and other locations that serve children have clean water supplies.** We are also reviewing the state's communications to help ensure that outreach to residents is provided to non-English speakers and people with limited access to the internet and conventional news outlets.

Intermediate Needs

1. **Benton Harbor Water System Enforcement Activities.** EPA is finalizing the report from the joint Region5/EGLE inspection of the Benton Harbor Public Water System during the week of September 20th. We are considering enforcement options to address any violations or deficiencies that are identified. The Agency can act more quickly if the State requests our action – otherwise there is a 30- day notice period – hence we are asking the State to work with us to address any long-term compliance issues. Coordinated enforcement will ensure

consistency of obligations and a better result. Towards that end, ECAD Director Mike Harris will be meeting with EGLE staff on Wednesday, October 20th.

2. **Analysis of Water Filters as Option for Drinking Water.** Michigan and EPA are evaluating the use of point of use water filters as an option to provide safe drinking water to Benton Harbor residents.
- Water filters are effective at reducing lead when they are properly installed and maintained. Because of some issues with filter performance in Newark and concerns raised by petitioners, out of an abundance of caution, EPA is developing a filter study to confirm that water filters will perform effectively in Benton Harbor. EPA staff have conducted a literature review and gathered data on water quality, water chemistry, and sampling results in Benton Harbor.
 - OW, Region 5, and ORD staff met on 10/14 to discuss Benton Harbor's water chemistry and water quality and to plan a filter study to confirm that water filters will work effectively in Benton Harbor. We have agreed that EPA will lead three concurrent analyses of tap water in Benton Harbor. These analyses are:
 - **Rapid Filter Screening Study:** This analysis will involve tap sampling in 200-300 homes to confirm whether properly certified drinking water filters distributed in Benton Harbor are effective at reducing lead in drinking water to ≤ 5 ppb.
 - **Sequential Sampling:** This analysis will involve sampling a subset of 25 to 50 homes to determine the sources of lead within the community that are contributing to lead in drinking water. Are lead service lines, premise plumbing or both sources releasing lead into the water?
 - **Particle Characterization:** This analysis will also involve sampling a subset of 25-50 homes. It will determine the nature of the particulate lead in the system. By understanding the size and nature of the lead particles in the water, we can determine what kind of treatment is needed to address them. If the water filters are not effective at removing lead, this information will also tell us why. This information will also provide important information for future action by the water system to address the lead contamination.

ORD and Region 5 are working with the state to set up the filter study plan and staffing. OW is providing the funding for this work (an estimated \$250,000 - \$325,000). We plan to begin sampling as soon as possible, with a goal of doing so in the next two weeks. Community education and engagement will be needed before sampling can begin.

OW will be meeting with petitioners on 10/18 to brief them and get their input on the Filter Study plan. Assistant Administrator Fox has had two calls with EGLE Director Liesl Clark and MDHHS Director Elizabeth Hertel. OW Senior Advisor, Elizabeth Cisar will begin bi-weekly check ins with the Directors of EGLE and MDHHS on 10/20.

Engagement with Petitioners

1. Meetings

- Assistant Administrator Fox hosted two meetings with a core group of the petitioners on September 15 and September 22.
- Elizabeth Cisar and Alan Walts, Director, Tribal and Multi-media Program Office Region 5 EJ have had several calls to provide updates with leaders from the petitioners, including Sylvia Orduño, (a NEJAC member), Nick Leonard of the Great Lakes Environmental Law Center, counsel for the petitioners, and Elin Betanzo.
- As noted above, on 10/21, EPA, ORD, EGLE, and MDHHS will meet with the petitioners to provide background on the water chemistry and water quality in Benton Harbor and to seek input on the filter study.
- EPA is planning regular status updates with Petitioners going forward.

2. **Funding to support community organizations.** OEJ is providing \$40,000 to community organizations that are assisting with water distribution and community education.